

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

ENOMA IGBINOVIA,)	3:11-cv-00079-ECR-WGC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: February 9, 2012
)	
JAMES G. COX, et al.,)	
)	
Defendant(s).)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Judicial Assistant: Candace Knab Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On December 29, 2011, the Magistrate Judge filed a Report and Recommendation (#46) recommending that Defendants' Motion for Summary Judgment (#15), filed on May 27, 2011, be granted with respect to Plaintiff's Fourteenth Amendment due process claim and denied with respect to Plaintiff's First Amendment access to courts claim and that Plaintiff's Motion for Summary Judgment (#26), filed on August 24, 2011, be denied. Objections (#47) were timely filed to the Report and Recommendation by Plaintiff on January 11, 2012. Plaintiff's objections are not well taken and are overruled.

IT IS, THEREFORE, HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#46) is well taken and is **APPROVED** and **ADOPTED**. The evidence conclusively establishes that Plaintiff was afforded all necessary due process, such that no reasonable juror could find otherwise. With regard to Plaintiff's First Amendment claim, the Court finds that both sides have presented a genuine issue of material fact as to whether Defendants' confiscation of his address book resulted in actual prejudice with respect to contemplated or existing litigation, rendering summary judgment in appropriate.

IT IS FURTHER ORDERED that Defendants' Motion for Summary (#15) is **GRANTED** with respect to Plaintiff's Fourteenth Amendment due process claim

and DENIED with respect to Plaintiff's First Amendment access to courts claim.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (#26) is DENIED.

LANCE S. WILSON, CLERK

By _____ /s/
Deputy Clerk